

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARREN McLEHAN and NOREEN
McLEHAN,

Plaintiff,

v.

Case Number 09-11547
Honorable David M. Lawson
Magistrate Judge R. Steven Whalen

CHASE BANK, NA, TROTT AND TROTT, P.C.,
COUNTY OF WAYNE, and FEDERAL HOME
LOAN MORTGAGE CORPORATION,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING
DEFENDANTS CHASE BANK, N.A. AND FEDERAL HOME
LOAN MORTGAGE CORPORATION'S MOTION TO DISMISS**

Presently before the Court is the report issued on July 2, 2010 by Magistrate Judge R. Steven Whalen pursuant to 28 U.S.C. § 636(b). Judge Whalen recommended granting defendants Chase Bank, N.A. and Federal Home Loan Mortgage Corporation's motion to dismiss and/or for summary judgment, because the plaintiffs' Truth in Lending Act claims are barred by the statute of limitations and the statute of repose, the Federal Trade Commission Act does not create a private right of action, the plaintiffs' claims for consumer injury and failure to comply with Fed. R. Evid. 1003 fail to state causes of action, the plaintiffs lacked standing, and the plaintiffs' unjust enrichment and holder in due course claims fail to state claims for which relief can be granted.

Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d

1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 37] is **ADOPTED**.

It is further **ORDERED** that defendants Chase Bank, N.A. and Federal Home Loan Mortgage Corporation's motion to dismiss and/or for summary judgment [dkt. # 28] is **GRANTED**.

It is further **ORDERED** that the plaintiffs' complaint as to defendants Chase Bank, N.A. and Federal Home Loan Mortgage Corporation **ONLY** is **DISMISSED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: July 23, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 23, 2010.

s/Teresa Scott-Feijoo
TERESA SCOTT-FEIJOO